

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES et al.,)	Civil Action No. 3:17-cv-00072
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
JASON KESSLER et al.,)	
Defendants.)	By: Joel C. Hoppe
)	United States Magistrate Judge

This matter is before the Court on Plaintiffs' motion to depose Defendant Christopher Cantwell. ECF No. 859. Cantwell is detained by the Stafford County Department of Corrections awaiting trial on federal charges in the District of New Hampshire. A party must obtain the court's leave, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2) of the Federal Civil Rules of Civil Procedure, if the deponent is confined in prison. Fed. R. Civ. P. 30(a)(2)(B); *see, e.g., Chambers v. Marlin*, Civ. No. 20-2083, 2020 WL 3130281, at *3 (C.D. Ill. June 12, 2020) (granting leave to depose pretrial detainee confined in jail). Plaintiffs have not yet had the opportunity to depose Cantwell by oral questions, and they are entitled to do so under Rule 26(b)(1). Accordingly, Plaintiffs' motion, ECF No. 859, is **GRANTED**.

It is so ORDERED.

ENTER: September 11, 2020



Joel C. Hoppe
U.S. Magistrate Judge